OFFICE OF THE PRESIDENT, TOWN MUNICIPAL COUNCIL, NYAMATI. 208

Notification dated 20th May 1953.

No. Mlc. 34—53-4. Notice is hereby given to the inhabitants of the Municipality of Nyamati Town, that the Municipal Council desires to impose the tax defined in the rules appended. Any inhabitant of the Municipality objecting to the proposed tax and introduction of rules may, within one month from the date of this notice send his objections in writing to the Municipal Council.

Rules framed by the Nyamati Municipal Council under Section 61 (b) (x) of the Town Municipalities Act, 1951, for regulating the levy and recovery of a lighting tax within the limits of Nyamati Town.

RULES FOR THE LEVY AND RECOVERY OF LIGHTING TAX.

1 A lighting tax at a rate of Re. 0-5-4 (not exceeding the maximum prescribed in schedule I—G) shall be levied on the rental value of lands and buildings by the Town Municipal Council.

2 The tax will be collected in advance in two half-yearly instalments in the months of April and October of each year, in the same manner and by the same agency as is entrusted with the collection of taxes on buildings and lands within the Municipal area.

3 A receipt shall be given for the tax paid and no refund of the tax so paid shall be made under any circumstances, unless it is shown as a double payment for the same period.

212

Notification dated 20th May 1953.

No. Mlc. 35—53-4. Notice is hereby given to the inhabitants of the Municipality of Nyamati Town, that the Municipal Council desires to impose the tax defined in the rules appended. Any inhabitant of the Municipality objecting to the proposed tax and introduction of rules may, within one month from the date of this notice, send his objections in writing to the Municipal Council.

Rules framed by the Nyamati Municipal Council under Section 61(b) (xii) of the Town Municipalities Act, 1951, for regulating the levy and collection of a tax on shops or other places where a business or profession carried on for the purpose of profits payable by the person or persons engaged in the business or profession within the limits of Nyamati Town.

MODEL RULES.

1 Tax on shops and other places in the Municipality where a business or profession is carried on for purposes of profit, payable by the person or persons engaged in the business or profession shall be levied by the Municipal Council at the rates specified in the schedule.

2 The tax shall be payable in advance in two equal half-yearly instalments in April and October of every year or in one lumpsum if the assessee so desires.

3 No shop or other places of business or profession shall be liable to be taxed under these rules in respect of any half-year in which the person liable to pay the tax was engaged in the business or profession for a period of less than sixty days in the aggregate within the Town.

4 Any person who has paid the tax for the whole half-year or year and who ceases during such period to be liable to assessment, shall be entitled to refund of not less than half the assessment, provided that no such remission shall be granted unless notice in writing of the fact of his giving up the business or profession has been given to the President, Municipal Council, and no remission or refund shall take effect for any period, previous to the day of the delivery of such notice.

SCHEDULE.

Maximum rates of tax on shops and other places of business or profession.

Items	Sort					
	1st Rs.	2nd Rs.	3rd Rs.	4th Rs.	5th Rs.	6th Rs.
Shops.— For each shop per year ...	25	15	12	8	4	2
2 Other places where business or profession is carried on for purposes of profit. For each shop or place per year ...	25	15	12	8	4	2

212

Notification dated 20th May 1953.

No. Mlc. 36—53-54. Notice is hereby given to the inhabitants of the Municipality of Nyamati Town that the Municipal Council desires to adopt the rules defined in the rules appended. Any inhabitant of the Municipality objecting to the proposed introduction of rules may, within one month from the date of this notice, send his objections in writing to the Municipal Council.

Rules framed by the Nyamati Municipal Council under Section 45(i) (a) read with Section 27 of the Town Municipalities Act, 1951 for regulating the conduct of business and delegation of any of the powers or duties and the appointment and constitution of Committees of a Municipal Council.

RULES.

1 Business to be conducted if a quorum be present at the hour fixed for the meeting.—At the hour fixed for a meeting of the Council if a quorum be present, the business of the meeting may at once commence and, if neither the President nor the Vice-President be present, the Councillors present may proceed to choose a Chairman under sub-section (5) of section 27. If the President, or the Vice-President, arrives after a presiding Councillor has been chosen by the Councillors the presiding Councillor shall leave the chair, and the President, or Vice-President, shall preside.

2 Absence of quorum during a meeting.—If during a meeting the presiding authority notices that a quorum is not present, or any Councillor calls the attention of the presiding authority to the fact that a quorum is not present, the presiding authority shall immediately suspend the business of the meeting and shall count the number of councillors present, and if that number is insufficient to form a quorum, the presiding authority shall follow the procedure laid down in sub-section(7) of section 27.

3 Confirmation of Minutes of previous meeting.—At the commencement of proceedings of each ordinary general meeting, the minutes of the previous general meeting shall be read. If any Councillor present object to the minutes as having been incorrectly or incompletely recorded, the presiding authority shall, after taking the sense of the meeting make such amendments as he thinks proper, and the amended minutes shall then be confirmed and signed by the presiding authority.

4 (*a*) Order to be observed.—A Councillor wishing to speak must rise in his place. The Councillor who first rises to speak has the right to be heard. In cases of doubt the presiding authority shall decide who is entitled to speak. No interruption to the speech of a Councillor shall be permitted, except that the presiding authority may call the Councillor to order, and any other Councillor may rise and request the presiding authority to call the speaker to order, or request the presiding authority to notice that a quorum is not present.

(*b*) Procedure for putting questions.— All questions from one Councillor to another relating to the business of the meeting shall be put through the presiding authority.

5 (*a*) Order.—The presiding authority shall preserve order and all points of order shall be summarily decided by him, no discussion thereon being allowed, unless he shall think fit to take the opinion of the Councillors present. The presiding authority may adjourn any meeting that refuses to obey his ruling on a point of order.

(*b*) Councillor called to order to resume his seat.—A Councillor called to order by the presiding authority shall resume his seat till the decision of the point of order raised, provided that the presiding authority may allow the member to speak on the point of order raised. If any Councillor desires to dispute the decision of the presiding authority, he may bring forward a proposition at the following meeting.

6 Grouping of items of business.—If more than one meeting be held the same day, it shall be competent to the presiding authority with the consent of the majority of the Councillors present, to submit for consideration as one subject, for disposal by one meeting any two or more items of business relating to the same subject although some of such items shall appear on the agenda papers of another and distinct meeting to be held on the same day.

209

7 A proposition may be divided.—The presiding authority shall have powers to divide into two or more distinct propositions, any proposition or amendment which in his opinion is so complicated as to be likely to lead to confusion or inconvenience by being debated on as one proposition.

A proposition when divided need not be moved and seconded more than once.—But when by virtue of this rule a proposition or amendment is divided, it shall not be necessary, unless the presiding authority decides to the contrary, for the second and following portions of such proposition or amendment to be again separately moved and seconded. But the propositions so divided shall be put to the vote by the presiding authority one after the other.

8 Mode of addressing the meeting.—Each Councillor rising to speak shall direct his speech to the question before the meeting or an amendment which he is himself about to propose or to a point of order always addressing the presiding authority from his place. A Councillor having spoken to a proposition or amendment is not at liberty to speak again to such proposition or amendment:

Provided that the mover of a proposition or amendment shall have a right of reply, after the presiding authority has ascertained that no other Councillor entitled to speak desires to speak:

Provided further that any Councillor may second a proposition or amendment by saying "I second the proposition or amendment" and may reserve his right to speak later:

Provided also that a Councillor who wishes to explain any misconception of expressions used by him may do so with the permission of the presiding authority.

9 Routine resolutions may be put to meeting without being moved or seconded.—Routine resolutions such as recording periodical statements or confirming the proceedings of a committee, may be put to the meeting by the presiding authority without their having been moved or seconded. Propositions regarding the choice of a presiding Councillor, adjournments and the like must be seconded, but need not be in writing.

Except as provided above, every proposition and every amendment must be in writing and must be seconded.

Resolutions of committees to be moved and seconded by members.—When a resolution of a committee is submitted to the general meeting for adoption, its adoption should ordinarily be moved and seconded by members of the Committee.

10 Amendments.—After the proposition has been moved and seconded, any councillor may propose an amendment thereto:

Provided that no Councillor shall be at liberty to propose more than one amendment to any proposition except when such proposition is for the passing of a budget or of a set of general rules, or is otherwise of such a nature as to require the making of many amendments to different parts of it.

11 Presiding authority to read proposition to the meeting.—The proposer of any amendment shall state it or hand it in writing to the presiding authority at any time before he resumes his seat. When the mover of a proposition or amendment has resumed his seat, the presiding authority shall read the proposition or amendment to the meeting and ask if any councillor seconds the proposition or amendment and until the same is seconded, the presiding authority shall not permit any discussion on the question. If no councillor seconds the proposition or amendment, the presiding authority shall declare that the proposition or amendment is lost.

12 Speeches should not be read.—A councillor shall not read his speech, but may refresh his memory from notes and may, with the consent of the presiding authority, read passages from books or documents cited on behalf of his argument.

13 Any councillor may move proposition of which notice has been given if original mover is absent or unwilling.—If a councillor has given due notice to move a proposition, and if that councillor be not present at the meeting or shall have ceased to be a councillor before the meeting or be unwilling to move the proposition of which he has given notice, any councillor present at the meeting may, with the consent of the presiding authority, move the proposition of which notice has been given.

14 Amendments to omit words, etc., from original propositions to be clear and relevant and not mere negative of previous propositions.—An amendment shall usually be in the form of a proposal to omit words from the original proposition, to insert words therein or to add words thereto.

Every amendment must be relevant to the proposition it is proposed to amend and must be framed so as to form therewith an intelligible and consistent sentence. An amendment which is the direct negative of the proposition shall not be allowed.

15. Amendments may be sent to the President beforehand in writing.—A councillor who intends to propose an amendment to a proposition is at liberty to send or deliver at any time beforehand to the President or the presiding authority, his proposed amendment in writing.

16 Each amendment to be decided before the next is entered upon.—Each amendment must be decided before the next amendment is entered upon, but after any amendment has been proposed and seconded, any councillor may move that the amendment be amended by the omission, insertion or addition of certain words, and the presiding authority shall thereupon ask if any other councillor second the proposal and if seconded, the proposal to amend the amendment shall then become the question before the meeting.

17 No amendment to words already resolved be made.—No amendment may be made to words which it has already been resolved shall stand part of, or to be added to, the original proposition or amendment except by addition of other words.

18 Amendment once negatived not to be proposed.—No amendment may be proposed which is the same in substance, as a proposition or amendment which has been negatived during the meeting.

19 Proposition or amendment not to be withdrawn.—A proposition or amendment which has been moved and seconded cannot be withdrawn without the permission of the meeting.

20 Presiding authority to move propositions without quitting chair.—The presiding authority may move and second propositions or amendments, speak and vote without vacating the chair.

21 Voting.—When a question is put to vote, the presiding authority shall call for a show of hands, and the presiding authority or a councillor at his request shall count the hands shown for and against and declare the result. If any councillor challenges the correctness of the numbers thus declared, the hands shall be counted a second time, provided that if any two councillors request a poll, the presiding authority shall call the roll of the councillors and record on the minutes of the meeting the names of the councillors voting for and against.

The presiding authority, unless he refrains from voting, should give his vote before declaring the number of votes for and against a question and then in case of any equality of votes he should give his casting vote.

22 No member obliged to vote.—A councillor who is present at a meeting may refrain from voting. If the question before the meeting be the confirmation of a report or proceedings of a committee, the member of that committee, may vote. If the conduct of a councillor be in question, that councillor may vote.

23 Result of equality of votes.—When there is an equality of votes and the presiding authority refrains from giving his casting vote, the proposition shall be held to be neither passed nor rejected and may be brought forward at any subsequent meeting.

24 Budget discussion.—When a budget or re-appropriation statement is laid down before a general meeting, the procedure shall be as follows:—

(i) The presiding authority shall read each item of the abstracts of receipts and expenditure and shall without

any mover or seconder put to the meeting the question "that this item stands part of the budget or re-appropriation statement."

(ii) If any councillor proposes to reduce or increase or strike off the item and the proposal to be seconded, such proposal shall be treated as an amendment and shall become the question before the meeting.

25 Proposals to adjourn in meeting or for closure or to postponing, etc.—A proposal to adjourn a meeting or for closure or to postpone the consideration of a question shall take precedence over any other proposition before the meeting.

Notification dated 20th May 1953.

No. M.C. 37—53-54. Notice is hereby given to the inhabitants of the Municipality of Nyamati Town that the Municipal Council desires to introduce the bye-laws and rules defined below and the tax now being levied.

Any inhabitant of the Municipality objecting to the proposed bye-laws and rules may, within one month from the date of this notice, send his objection in writing to the Municipal Council.

Bye-laws and Rules framed under Section 48(i) (k) and 61(6) (iv) of the Town Municipalities Act, 1951, by the Nyamati Town Municipality for regulating the levy and collection of octroi within the limits of Nyamati Town.—

Octroi Bye-laws.

1 The octroi limits for the purposes of collecting octroi shall be the Municipal limits.

2 (*a*) No article liable to octroi shall be brought within the Municipal limits except by one of the high roads and the cross roads specified in the schedule.

SCHEDULE.

1 Nehru and Gandhi Roads through the cross of these roads to Honnali and Shimoga High Road.
2 Cross road coming from Kodikoppa and Devikoppa and other villages.
3 Cross road coming from Doddethenahalli, Kodacheenalli and other villages.

(*b*) In case of octroiable articles imported into the Town through the Post Office, the importer shall, immediately after taking delivery of the same from the Postal authority, produce the same without breaking bulk together with the relevant invoice to the Octroi Office and pay the octroi duty thereon before conveying it to his house or place of business.

3 (*a*) The octroi posts at which such goods shall be liable to inspection shall be the Ookads on the high roads as well as the cross roads specified in the schedule, the Bonded Warehouse and the railway station. And every person bringing dutiable goods within the Municipal area shall report the fact at the first of such posts on the route by which they are brought. All officials of the Octroi Department not below the rank of a Mutsaddi are authorised to inspect the contents of any conveyance or package under Section 85 of the Town Municipalities Act, 1951.

(*b*) All persons driving vehicles shall stop them at the octroi posts when entering the Town Municipal limits (whenever required to do so by the octroi staff) for the purposes of examining and searching articles liable to octroi.

(*c*) Breach of clause (*b*) of this bye-law shall render the offender liable on conviction to a fine not exceeding rupees fifty.

4 A table showing the articles on which octroi is leviable shall be open to the inspection of any person at the Municipal Office and copies thereof shall be supplied without any charge to any person requiring the same. Such table shall also be affixed in a conspicuous place at every post or office at which octroi is levied.

Grant of Licenses for the sale of certain articles.

5 The conditions on or subject to which licenses for sale of articles liable to octroi may be granted shall be as follows:—

Octroi License of Wholesale Dealers.

(1) That the license shall be in force only till the 31st March 19... and that it shall be shown to any octroi officer when he shall lawfully call for the same.

(2) That due written notice of the despatch of all consignment of..... to the licensee's address and probable date of arrival within Municipal limits be given to the officer-in-charge of the Town Bonded Warehouses, that these goods be brought within the Municipal limits between the hours of 6 A.M. and 6 P.M. and by any of the public high roads and cross roads described in the schedule or by railway, and that the parties in charge report themselves to the first ookad reached within Municipal limits, a peon from which accompany the consignment to the Bonded Warehouse and that the importers or persons in charge of the consignment shall be bound to answer truly all lawful questions put by the Octroi Mutsaddi or the officer-in-charge of the Town Bonded Warehouse.

(3) That all octroi articles attempted to be introduced within Municipal limits after 6 P.M. and before 6 A.M. or by any other than the public roads described in the said schedule or by the railway, will be considered as contraband and treated accordingly.

(4) That the article subject to octroi duty mentioned above shall not be introduced into the premises of the licensee or place of business without payment of octroi thereon.

(5) That when by the license the licensee is authorised to vend (goods to be specified by the Municipality) in any form, an account in the accompanying form shall be kept by the licensee of all stock of (goods to be specified by the Municipality) imported and disposed of either by sale within the Town or exported beyond the Municipal limits and that such account shall be open to the inspection of any Octroi Officer above the grade of a peon and shall be submitted to the Officer in charge of the Bonded Warehouse on the 15th of every month for verification.

(6) That no dutiable articles intended for consumption in the Town of Nyamati shall, under any circumstances, be allowed to be deposited by the licensee in any of the villages immediately beyond Municipal limits.

(7) That the license shall not be transferable by sale, gift, mortgage or otherwise, and that no persons except such as are named herein shall have power to act under it.

(8) That the licensee shall deposit Rs. 100 as security for the due observance of the conditions of the license, the whole or part of it being forfeited as the President may direct for breach of any of the conditions of the license.

Octroi License by retail dealers.

6 (1) That the premises of the licensee may be inspected by any octroi officer at any time in the manner prescribed by the bye-laws.

(2) That in respect of all octroiable goods in the said premises whether purchased or sold by the licensee the octroi duty shall have been paid and the goods shall have been purchased at the Bonded Warehouse or from a duly licensed wholesale dealer.

(3) That no such goods shall be stored or sold in any other place than licensed premises and any such goods found in an un-licensed premises is liable to be contraband and dealt with accordingly.

(4) That the license shall be in force only for 12 months namely from 1st April 19... to 31st March 19... and that it shall be exhibited to any octroi officer when he shall lawfully call for the same.

(5) That the license shall not be transferred by sale, gifts, mortgage or otherwise and that no persons except such as are named in the license shall have the power to act under it.

(6) The licensee shall within fifteen days from the date of issue of the license have a sign-board put up in a conspicuous part of the premises occupied by him with the following superscription legibly painted thereon in Kannada and English :—

Number of license.....
Name.....
License to sell.....